

**1IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

Travis Widner,

Plaintiff,

v.

Store Master Funding V LLC,

Defendant.

Case No.

NOTICE OF REMOVAL

COMES NOW Defendant, Store Master Funding V LLC, (“STORE”) pursuant to 28 U.S.C. §§ 1331, 1367, 1441, and 1446 and hereby removes this case from the Dakota County, Minnesota District Court to the United States District Court for the District of Minnesota. As grounds for removal, and for no other purpose, STORE provides as follows:

1. On May 12, 2022, Plaintiff, Travis Widner (“Widner”), served his unfiled Summons and Complaint on Store in the lawsuit captioned *Travis Widner v. Store Master Funding V LLC*, pending in the Dakota County Minnesota District Court within the First Judicial District. The Complaint was not filed in state court, only served on STORE.

2. Widner alleges STORE, as the subject property’s owner, unlawfully discriminated against him in violation of Title III of the Americans with Disabilities Act, as amended, 42 U.S.C. § 12101, *et seq.* Because Widner’s claims arise under acts of Congress, this Court has original jurisdiction over such claims pursuant to 28 U.S.C. § 1331.

3. Widner also asserts a state law claim for declaratory relief against STORE arising under Minn. Stat. § 555.01 *et seq* based upon the same operative facts as Widner’s federal ADA claim and is thus so related to claims in the action within the Court’s original jurisdiction that they

form part of the same case or controversy under Article III of the United States Constitution. Thus, pursuant to 28 U.S.C. § 1367(a), this Court has jurisdiction over all claims asserted by Widner.

4. Removal of this entire action is, therefore, appropriate pursuant to 28 U.S.C. § 1441(a).

5. Because this Notice of Removal was filed within 30 days of May 12, 2022, the date on which STORE was served, this Notice of Removal is timely filed under the provisions of 28 U.S.C. § 1446(b)(1).

6. Venue is proper in this Court because Widner's state court action is pending within a Minnesota Judicial District within the geographic confines of this District. 28 U.S.C. § 1441(a).

7. Attached hereto as **Exhibit A** is a copy of all process, pleadings, orders and other documents.

8. After filing this Notice of Removal, STORE will promptly serve written notice of this Notice of Removal on Widner's counsel, as required by 28 U.S.C. § 1446(d). A copy of the Notice of Filing Notice of Removal is incorporated herein and attached as **Exhibit B**.

WHEREFORE, because the Petition establishes that this Court has original jurisdiction of this action by reason of a federal question pursuant to 28 U.S.C. § 1331 and supplemental jurisdiction over Widner's state law claim pursuant to 28 U.S.C. § 1367(a), STORE respectfully gives notice that the action pending in the State of Minnesota, First Judicial District, Dakota County District Court, captioned *Travis Widner v. Store Master Funding V LLC* is removed to the United States District Court for the District of Minnesota pursuant to 28 U.S.C. § 1441.

Dated: June 9, 2022

KUTAK ROCK LLP

By: /s/Andrew R. Shedlock
Andrew R. Shedlock (#0395655)
60 South Sixth Street
Suite 3400
Minneapolis, MN 55402
612-334-5022
Andrew.Shedlock@kutakrock.com

*Attorney for Defendant
STORE Master Funding V LLC*